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International Covenant on Civil and Political Rights

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Human Rights Committee
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Agenda item 5
Consideration of reports submitted by States parties under article 40 of the Covenant

List of issues in relation to the initial report of Sierra Leone

Addendum

Replies of Sierra Leone to the list of issues*

[Date received: 14 March 2014]

Constitutional and legal framework within which the Covenant is implemented (art. 2)

Paragraph 1 of the list of issues: *Please clarify the status of the Covenant within the domestic legal system. Please indicate when Parliament is planning to enact legislation specifically incorporating the Covenant into domestic law and provide information on measures taken to raise awareness about the Covenant and the Optional Protocol among public officials and State agents, in particular through human rights training of the judiciary and law enforcement officials. Please also indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol.*

1. Comments on paragraph 1 of the list of issues:

(a) Sierra Leone ratified the International Covenant on Civil and Political Rights in October 2010. The Covenant has been incorporated into the 1991 Constitution.

(b) Workshops were held on the Covenant during the national consultations on the universal periodic review and mid-term review conference in 2013, in Sierra Leone. The general public and civil society were sensitized on the Covenant.

* The present document is being issued without formal editing.

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(c) A number of human rights training programmes have been organized for public officials, the judiciary and the security forces by the Human Rights Commission. The Sierra Leone Police has established a human rights desk.

(d) The Foreign Ministry reactivated the Human Rights Secretariat in order to assure more effective reporting on the Covenant and other human rights treaties.

(e) The Constitutional review process is now ongoing and will take on board some of the issues in the Covenant which are to be domesticated.

Paragraph 2 of the list of issues: *Please indicate the measures taken to provide the Human Rights Commission of Sierra Leone (HRCSL) with adequate financial and human resources for its effective functioning and to ensure that its decisions/recommendations are fully implemented by State authorities. What measures have been taken to strengthen the Ombudsman's office, including by providing it with adequate human resources and extending its activities beyond radio discussions, and to raise awareness about its existence and mandate, especially in rural areas?*

2. Comments on paragraph 2 of the list of issues:

(a) Government subvention to the Human Rights Commission has steadily increased over the years.

(b) The number of staff has also been increased with the addition of a Research Director.

(c) Offices have been established in all regional headquarter towns, as well as regional offices.

(d) Plans are underway to establish district offices of the Human Rights Commission in some of the districts.

(e) The Human Rights Commission is fully compliant with the Paris Principles.

(f) The Government continues to provide subventions to the Office of the Ombudsman. Also, from 2012 to date, the Office of the Ombudsman has received some 1,031 complaints from institutions and members of the public. 501 complaints in relation to illegal dismissal, unfair action were reported in 2011 of which 385 were investigated while 70 were referred to Parliament for harmonious resolution.

(i) In 2012, of the 386 complaints received, 142 were resolved, while the remaining 244 were referred to Parliament. In 2013, the office received 134 complaints, with 70 already investigated.

(ii) The office investigates managerial injustices, abuse of power and injustice in the Judiciary for harmonious resolution. Regional offices were opened in Kenema, Makeni and Bo and they were also provided with complaint boxes in all the regions, cities and district headquarter towns and even in prisons, they received complaints of injustice and delays in trying cases of prisoners.

(iii) Insufficient budgetary allocation has meant that the sub-Offices only exist in provincial headquarter towns. Complaints boxes in district headquarter towns could not be adequately manned.

(iv) Activities have also been increased beyond the Western Area.

(g) The Government is facing funding challenges following the closure of UNIPSIL and is seeking support from the international community to complement its efforts and strengthen the Commission and the Office of the Ombudsman.

Paragraph 3 of the list of issues: *Please indicate whether any progress has been made with the law reform process, including the review of the human rights provisions of the Constitution, and provide information on the challenges encountered, as well as the measures taken to address them.*

3. Comments on paragraph 3 of the list of issues:

(a) The Law Reform Commission was established under the Law Reform Commission Decree 1994 as amended in 1996, with a mandate to review the laws of Sierra Leone, both statutory and other, with a view to their reform, development, consolidation or codification. The Commission is also given a mandate to take other initiatives and propose the enactment of new laws in appropriate circumstances. The aim is to simplify and modernise the law for the benefit of the people of Sierra Leone.

(b) The State has also set up a Constitutional Review Committee comprising of eighty (80) members drawn from all facets of society. The Committee, which is chaired by the Ombudsman, Hon. Justice Edmond Cowan, a retired judge of the Superior Courts of Judicature and a former Speaker of Parliament. The Committee is expected to complete its work within the next two years, in 2015.

(c) However, the Committee, which was launched by President Ernest Koroma on 30 July 2013, is faced with serious funding constraints, although the Government of Sierra Leone provided Le 180 million in 2013, to enable the Commission to kickstart operations, while the United Nations, the United Kingdom Department for International Development (DFID) and the European Union have all pledged financial support.

(d) The members of the Constitutional Review Committee are known. Please check the website using the URL:
http://www.constitutionalreview.gov.sl/site/AboutCRC.aspx

(e) The site provides the terms of reference and the names of the members of the Committee.

Paragraph 4 of the list of issues: *Please indicate whether the Sierra Leone Reparations Programme established in 2008 continues to provide reparations to war victims and, if not, clarify the main constraints and measures taken to overcome them.*

4. Comments on paragraph 4 of the list of issues.

(a) The Truth and Reconciliation Commission recommended the establishment of a War Victim's Trust Fund in its final report in 2004. The Fund, which was established in 2010 with an initial funding of US$246,000 from government, while the United Nations Peacebuilding Fund provided US$10 million, which is being administered by the National Commission on Social Action (NaCSA). According to NaCSA, the Fund will serve as a pool of funds to finance the reparation programmes. Various categories of beneficiaries – amputees, war-wounded victims, sexually assaulted women, child victims, war widows, and dependants of the victims who have fifty percent reduction in their earning capacity – were registered and validated before the funds were made available to them.

(b) The Office of the President, United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), Civil Society, Inter-Religious Council, Ministry of Finance and Economic Development, Parliament, and Victims Association provide oversight functions over the Fund.

(c) The Fund has enabled NaCSA to provide pension, micro grants, skills training, free physical health care, psychosocial counseling, educational support for schoolgoing children, symbolic reparations for community healing, and shelters for the most vulnerable groups to an estimated 21,000 war victims. Those with physical disabilities were also given skills training and cash payment. However, the programme is at present in limbo due to funding constraints.

(d) Since its inception in 2009, the Sierra Leone Repatriation Programme (SLRP) has registered and verified 32,148 civilian victims of war, of whom 13,283 were war widows, 8,677 child victims, 5,448 war-wounded, 3,602 victims of sexual violence and 1,138 victims of limb amputation.

(e) Sierra Leone's National Commission for Social Action (NaCSA) has already started distributing rehabilitation grants to 1,138 forced amputees and 162 of the country's most vulnerable, severely wounded conflict victims.

Paragraph 5 of the list of issues: *Please indicate whether the State party has undertaken any comprehensive review of its domestic legislation and Constitution with a view to identifying discriminatory legal provisions, including those discriminating against women, and to amend or repeal them; please indicate, in particular, the measures taken to repeal section 27 (4) (d) of the Constitution. Does the State party plan to adopt comprehensive legislation prohibiting discrimination and containing a comprehensive list of grounds for discrimination, including discrimination based on sexual orientation and gender identity? Are legislative amendments planned to de-criminalize sexual relations between consenting adults of the same sex?*

5. Comments on paragraph 5 of the list of issues:

(a) The constitutional review process was launched by H.E. President Koroma in 2013.

(b) A comprehensive review of our domestic legislation has been undertaken.

(c) The enactment of the three Gender Acts in 2007 is part of some of the steps which have been taken to address these issues.

(d) Issues relating to sexual relations are being addressed under the constitutional review process.

(e) As regards the case of Fanny Anne, the matter is still under investigation. She was murdered at home in 2004 and the prime suspect was her house help. It was considered a criminal matter which had no nothing to do with her sexual orientation. The police conducted the investigation. Further information regarding the outcome will be sought. With regard to George Freeman – he alleged that he was attacked on his way home. The Human Rights Commission conducted an investigation but he refused to come forward to give them his testimony. It was not the first time they had received complaints from him. The Human Rights Commission stands willing and able to conduct investigations. Sierra Leone does not target individuals on the basis of their sexual orientation and has not prosecuted anyone on this basis.

Paragraph 6 of the list of issues: *Please indicate the measures taken to combat discrimination against women, including the steps taken to enhance the participation and representation of women in economic, political and public life, including in decision-making positions. Please report on measures taken to repeal discriminatory provisions against persons of non-"African Negro descent" and women in the acquisition and transmission of nationality, and ensure that foundlings are granted citizenship. Please also*

outline the measures taken to modify or eliminate harmful cultural practices and customs, eradicate patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identity of women and men in the family and society in general.

6. Comments on paragraph 6 of the list of issues:

(a) On the 7th June 2007 the government of Sierra Leone passed into law the Child Rights Act; on the 14th June 2007 Sierra Leone Parliament passed into law the three "Gender Justice Laws" namely the Registration of Customary Marriage and Divorce Act, the Domestic Violence Act and the Devolution of Estates Act.

(b) Parliament also legislated the Chieftaincy Act of 2009 and the Sexual Offences Act on the 23rd August 2012. The Government of Sierra Leone is pleased to report that these legal reforms have changed lives of women, especially those in the rural areas.

(c) To ensure the full implementation of these laws, the government developed the National Action Plan on Gender-Based Violence; the National Referral Protocol on Gender-Based Violence which was signed by Ministers of Government including Health, Education, Local Government, Justice, Finance, NGO coordinating body, and my immediate predecessor. To ensure that these laws are widely popularized, my Ministry coordinated the development of simplified versions and implementation strategies.

(i) The National Gender Strategic Plan was launched in June 2010, as was the National Action Plan on the United Nations Security Council Resolutions 1325 and 1520.

(ii) The National Gender Mainstreaming Policy and National Policy on the Advancement of Women were established.

(iii) Pillar 8 of the new national agenda – "Agenda for Prosperity" – prioritizes gender mainstreaming.

(iv) The constitutional review process addresses the issue of citizenship.

(v) The three Gender Acts of 2007 addresses harmful cultural practices.

(vi) The Child Rights Act of 2007 also makes provisions which address some of these cultural practices.

(vii) The National Strategy for the reduction of teenage pregnancy was developed.

(viii) Women in decision-making positions: Progress has been made on reaching a 30% quota of women in positions of authority within government structures. At the Local Council level, in 2004, 10.9% were females, in 2008, 18.9% were females and in 2012, 19.1% were females. In the Makeni City Council, the Mayor and Deputy Mayor are women whilst the Council has 8 female councilors and 8 male councilors. The President has made several appointments of women in key governance positions. They have been referred to as the "Generals Club", as established by President Koroma. They include but are not limited to; the Commissioner General of National Revenue Authority, Administrator and Registrar General, Director General of the Sierra Leone Roads Authority, Solicitor General, Auditor General, Chief Justice, Brigadier General, Chairperson for Environmental Protection Agency, Head of Electoral Commission and several more as chairpersons of various parastatals. At the sub-regional level, the Sierra Leone Government nominated the first ever female Deputy Secretary General of the Mano River Union

(d) In the Court of Appeal, out of six judges, three are women including Justice Vivian E. Solomon, Justice Mrs. Showers and Justice Mrs. Nyawo-Jones. In the High

Court, out of ten judges, four of them are women including Justice Musu Kamara, Justice Dwazark, Justice Nyawo-Jones and Justice V.E. Solomon.

Paragraph 7 of the list of issues: *Please report on the implementation of the National Gender Strategic Plan launched on 3 June 2010 by the President and the results achieved. Please also indicate whether the Gender Equality Act has been adopted and, if so, provide information on the activity of the Gender Commission and outline any of its achievements.*

7. Comments on paragraph 7 of the list of issues:

(a) The Government policy regarding gender equality has been positive. Key governance positions have been given to women.

(b) The National Gender Strategic Plan will be addressed under the Agenda for Prosperity.

(c) A Gender Advisor was appointed to the Office of the President to advise on Gender issues.

(d) Procedures to establish a Gender Commission are in the offing.

Paragraph 8 of the list of issues: *Please indicate the measures taken to enforce in practice the prohibition against early marriages, especially in rural areas, and to prosecute those responsible.*

8. Comments on paragraph 8 of the list of issues:

(a) The Government prohibited early marriage in both the Child Rights Act of 2007 and in the Registration of Customary Marriages Act of 2007.

(b) The development of the 2013 policy on Ethics for Paramount Chiefs and Local Councils is in line with the Child Rights Act and addresses the issue of early marriages.

Paragraph 9 of the list of issues: *Please report on the implementation in practice of the Persons with Disability Act enacted in March 2011. Please also provide information on steps taken to combat and prevent societal stigma and discrimination against persons living with or affected by HIV/AIDS.*

9. Comments on paragraph 9 of the list of issues:

(a) Sierra Leone enacted the Persons with Disability Act in March 2011. The Act called for the establishment of a Persons with Disability Commission.

(b) The Commission has since been created and is now fully constituted following the President's appointment of Commissioners and the ratification by Parliament.

(c) The HIV/AIDS Secretariat was created in 2004. The Secretariat leads efforts to distribute free anti-retroviral drugs to persons living with HIV.

(d) The Secretariat plays a lead role in raising awareness about the pandemic and in developing strategies to overcome stigmatization and stereotyping of victims.

(e) Anti-stigmatizing and discrimination laws were enacted to protect persons infected with HIV/AIDS.

(f) The National HIV/AIDS Council was established and is chaired by the President.

(g) On strengthening measures to address HIV/AIDS: the strategy of the Government has been to tackle the issue from various angles. In terms of prevention, testing sites and pregnant women tested, this has increased from 2011 to 2012; the coverage of the prophylaxis for mother to child transmission has reached 74%; early infant diagnosis has also been scaled up to all district hospitals.

(h) From the legal point of view, the 2011 HIV/AIDS Commission Act was passed and made it an offence to deny a person access to any employment or educational institution because of his or her HIV status; the same Act stipulates that a woman is not liable to conviction because of transmission of HIV to her child before or during birth of the child or through breast feeding of that child. Progress has been made in awareness-raising. Transforming that knowledge into positive behavior change is still a challenge. Only 40% of those in need of Anti-Retro Viral drugs (ARVs) are receiving treatment but the Global Fund has approved USD 6,5 million for the next three years to procure ARVs. The Ministry of Health is now putting together a resource mobilization plan to raise funds for HIV and AIDS programmes sustainability after 2015.

Violence against women and children, including domestic violence (arts. 3, 7, 23, 24 and 26)

Paragraph 10 of the list of issues: *Please report on measures taken to address impunity, to prevent and combat all forms of gender-based violence, including domestic violence, rape and other forms of sexual violence. Please specify whether spousal rape is explicitly defined as a crime under the Criminal Code. Please also provide information on: (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties imposed; (d) remedies provided to victims; and (e) the number of safe shelters and any other resources and services in place to assist victims of domestic violence.*

10. Comments on paragraph 10 of the list of issues:

(a) The Domestic Violence Act of 2009 was enacted to protect both men and women against all forms of gender-based violence.

(b) The Family Support Unit has been established and has a specialized unit of police detectives and social workers from the Ministry of Social Welfare, Gender and Children's Affairs which has the power to investigate and prosecute all offences of sexual and gender based violence as codified in the Act.

(c) The Sexual Offences Act of 2012 was passed into law to criminalize non-consensual sex between persons, including spouses.

(d) Two safe homes were established and efforts are under way to increase this number in other parts of the country.

(e) The special Magistrates court was established, and has magistrates who have been assigned to deal with cases of violence against women.

(f) In 2008, the Ministry in collaboration with the National Committee on Gender-Based Violence (NaC-GBV) developed the Strategic Roll-Out Plan for the implementation of the three "Gender Justice Laws", namely the Registration of Customary Marriage and Divorce Act 2009; Devolution of Estates Act 2007; and the Domestic

Violence Act 2007. The strategic roll-out plan looked at three main sections: enforcement; public education; and monitoring and data collection.

(g) In 2012, the Government of Sierra Leone passed robust legislation on Sexual Offences. This legislation is regarded as one of the toughest laws around the world in addressing sexual violence related cases and it is in line with United Nations Security Council Resolution 1820 (2008), the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Convention on the Elimination of All Forms of Discrimination against Women, among others. Following the passage of the Sexual Offences Act, 2012 which came into force on the 1st of Novem..oer, 2012, the Family Support Unit (F.S.U) of the Sierra Leone Police has investigated about 6,805 cases nationwide from January-September 2013. Out of this number, 1,040 were put before the Magistrate Court for Preliminary Investigations and 363 were committed to the High Court for trial.

(h) In the same 2012, two related documents developed by the Ministry of Social Welfare, Gender and Children's Affairs, namely the National Action Plan on Gender-Based Violence and the National Referral Protocol on Gender-Based Violence. The Referral Protocol on GBV has been rolled out in Kambia, Bonthe, Kenema, Bo and Freetown; as a result the collaboration and coordination of the different service providers has strongly increased (at least in Kambia and Bonthe). The Ministry is collaborating with IRC and UNICEF to roll out the protocol all over the country.

(i) To address the menace of sexual gender-based violence, the Judiciary introduced the Saturday Courts especially for SGBV matters, which is yielding positive results for the victims.

Paragraph 11 of the list of issues: *Please respond to reports that large numbers of children are victims of sexual violence or abuse and indicate the measures taken to combat this phenomenon. Please provide information on: (a) the number of such cases recorded; (b) investigations carried out; (c) sanctions imposed; (d) remedies provided to victims.*

11. Comments on paragraph 11 of the list of issues:

(a) The promulgation of the Child Rights Act of 2007 is part of the efforts undertaken by the Government as is the promulgation of the Sexual Offences Act.

(b) The establishment of safe homes.

(c) he Family Support Unit (FSU) within the Police department also investigates cases of sexual abuse and domestic violence.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 6, 7, 19 and 21)

Paragraph 12 of the list of issues: *In light of the de facto moratorium on executions that has been in place since 2008 and the State party's commitment to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, please indicate the steps that are being taken to abolish the death penalty both in law and in practice.*

12. Comments on paragraph 12 of the list of issues:

(a) The Constitutional Review Committee is taking these issues on board.

(b) They have already voted in favour of the moratorium on the death penalty.

(c) On 27th of April 2011, President Koroma pardoned 96 prisoners, five of whom were on death row. In December 2012, 14 death row prisoners received either a presidential pardon or had their terms commuted to life imprisonment.

Paragraph 13 of the list of issues: *Please provide information on the measures taken to investigate, to bring to justice those responsible and to provide adequate remedies, including compensation, to victims or their relatives for: (a) the alleged arbitrary deprivation of life and serious injuries during the violent demonstrations in Bumbuna, Tonkolili District and Koidu City, Kono District, when police officers reportedly made use of tear gas and fired live ammunition at protesters; (b) the alleged arbitrary killings of motorcycle riders by police officers in the Western Area, allegedly without any genuine cause; (c) the alleged arbitrary deprivation of life and serious injuries during the clash between the All People's Congress (APC) and Sierra Leone People's Party (SLPP) supporters in September 2010, when police used tear gas and live ammunition to disperse the crowd; (d) the assault of four journalists in September 2011 by plain-clothes members of the Presidential Guard, when one of them was beaten unconscious.* ***Please elaborate on whether human rights law norms, including the principles on the use of force and firearms, are a standard component of curricula for law enforcement officials.***

13. Comments on paragraph 13 of the list of issues:

(a) The Commission of Enquiry was set up and empowered to investigate the causes of violence regarding the alleged incidents of arbitrary deprivation of life and serious injuries which may have occurred during the violent demonstrations in Bumbuna, Tonkolili District, and Koidu City, Kono District, respectively, as well as the political disturbances between elements of the All People's Congress (APC) and Sierra Leone People's Party (SLPP) in September 2010.

(b) A White Paper is being prepared for the Government's consideration on issues relating to compensation.

(c) An independent Police Control's Board was established to investigate these incidents.

Paragraph 14 of the list of issues: *Please report on measures taken to combat ritual murder and impunity for such acts, including on measures to address obstacles to effective investigation and prosecution of perpetrators.*

14. Comments on paragraph 14 of the list of issues:

(a) Matters relating to alleged ritual murders are fully investigated.

Paragraph 15 of the list of issues: *Please elaborate on the measures taken to address the high under-five and maternal mortality rates and the results achieved. Please also provide information on the status of the draft law legalizing abortion under certain conditions.*

15. Comments on paragraph 15 of the list of issues:

(a) A free healthcare policy for children under five, pregnant women and lactating mothers have been offered.

(b) The Government has scaled up nutrition strategies for children under five.

(c) The Abortion law is still in Parliament and is waiting to be passed.

(d) The last Poverty Reduction Strategy Paper (PRSP II) "Agenda for Change" (2008-2012), placed significant weight on reproductive health, particularly on maternal health in the country's development agenda and gave priority to the reduction of maternal and child mortality.

(e) On 27th April 2010, the Government launched the Free Health Care (FHC) that enabled pregnant women, lactating mothers and children under five to access free-of-charge medical care and services. This initiative addressed all dimensions related to reproductive health from quality service delivery to ensuring access and utilization through demand generation. Data on the FHC show that it has succeeded in increasing the number of under-five outpatient consultation by 250% compared to the period before the launch of the policy.

(f) Between April 2010 and March 2011, there were two million new under-five consultations, with over 39,000 more women delivering babies at health facilities, 12,000 maternal complications were managed at health facilities thus leading to a decline in associated fatality cases by 60%. Admissions at the main maternity hospital in the country increased from 800 to 12,000 between April 2010 and April 2012. An increase of over 60% attendance at hospital and peripheral health units has been recorded for pregnant women, lactating mothers and under-five children.

Paragraph 16 of the list of issues: *Please indicate the steps taken to define and criminalize the offence of torture in accordance with international standards. Please elaborate on concrete measures taken, and procedures and institutions established, to prevent torture and cruel, inhuman or degrading treatment or punishment and ensure that such allegations, including from the civil war period, are effectively investigated, prosecuted and victims have access to effective legal recourse and to adequate remedies. Please indicate whether the Independent Police Complaints Board has been established and provide information on its independence, composition and mandate. If applicable, please provide statistical data on the number of complaints of torture and ill-treatment received and investigations and prosecutions initiated.*

16. Comments on paragraph 16 of the list of issues:

(a) Section 20 of the Constitution of Sierra Leone of 1991, stipulates against torture and any other form of inhuman or degrading treatment.

(b) Individuals have the right to seek redress in the Supreme Court.

(c) The Human Rights Commission was established to address issues of torture.

(d) The TRC and the special court for crimes committed during the war was established to deal with some of these issues.

(e) The Offences against the Persons Act has been promulgated and the Independent Police Control Board was established.

(f) The Truth and Reconciliation Commission (TRC) recommended that corporal punishment be abolished. The Sierra Leone Correctional Service Bill which has been prepared and is awaiting enactment in Parliament however abolishes sentencing with hard labour.

Paragraph 17 of the list of issues: *Please indicate whether any steps are being taken to enact legislation explicitly prohibiting the practice of female genital mutilation/circumcision (FGM/C), to prosecute and punish offenders and to raise*

awareness among the population about the harmful effects.

17. Comments on paragraph 17 of the list of issues:

(a) The Child Rights Act of 2007 was passed. Since then, a lot of sensitization strategies have been undertaken.

(b) There is a commitment to continue national dialogue on this matter.

(c) There is a ban on the practice of Female Genital Mutilation (FGM) for girls below 18 years old. This was included in the Agenda for Prosperity and the Memorandums of Understanding (MoUs) were signed at local level in this regard

(d) An MoU exists between the Soweis and the authorities have prohibited the initiation of children under the age of 18 years.

Paragraph 18 of the list of issues: *Please outline the measures taken to ensure that the law explicitly prohibits corporal punishment in all settings, including the home.*

18. Comments on paragraph 18 of the list of issues:

(a) The Child Rights Acts of 2007 was enacted and its provision explicitly prohibits corporal punishment.

Elimination of slavery and servitude (art. 8)

Paragraph 19 of the list of issues: *Please provide information on the measures taken to combat trafficking in women, men and children for purposes of sexual exploitation, forced labour and domestic servitude, inter alia the steps taken to identify and investigate such cases, prosecute and sanction perpetrators and ensure victims' access to effective remedies, including compensation and rehabilitation, and provide relevant statistics. Please also elaborate on any counter-trafficking measures, including training programmes for authorities implementing the measures against trafficking, and awareness-raising programmes.*

19. Comments on paragraph 19 of the list of issues:

(a) Sierra Leone enacted the Anti-Human Trafficking Act in 2005, which punishes perpetrators convicted of human trafficking with a monetary fine of up to Le 50 million or a jail term not exceeding ten years.

(b) The Child Rights Act of 2007 also criminalizes child labour and child trafficking.

(c) The Office of National Security established a unit to coordinate the monitoring of human trafficking.

(d) The Anti-Human Trafficking Units, which comprises police and immigration officers based at border points, monitor human trafficking.

(e) The Transnational Organized Crime Unit (TOCU) was established within the Police force to address issues relating to drug and human trafficking.

(f) Several training sessions have been held among the security agencies in order to raise awareness for officers involved in investigating incidents of human trafficking.

Refugees and asylum seekers (art. 13)

Paragraph 20 of the list of issues: *Please provide information on the progress made in revising the Refugees Protection Act 2007 with a view to ensuring unhindered access to, and transparency of, the refugee status determination procedure.*

20. Comments on paragraph 20 of the list of issues:

(a) The Refugee Protection Act of 2007 was enacted and is being implemented. There is an ongoing process of revising the Act. Also, certain areas are being identified for amendment by the Refugee Secretariat within the Foreign Ministry.

Right to liberty and security of person, treatment of persons deprived of their liberty, fair trial and independence of the judiciary (arts. 7, 9, 10, 14, 15 and 24)

Paragraph 21 of the list of issues: *Please indicate the measures taken to prevent and address cases of arbitrary deprivation of liberty, to ensure that such cases are duly recorded and that effective remedies, including adequate compensation, are available in practice to victims.*

21. Comments on paragraph 21 of the list of issues:

(a) The Constitution of Sierra Leone of 1991 protects against arbitrary arrests and detention.

Paragraph 22 of the list of issues: *Please indicate the measures taken to address lengthy pretrial detention and to ensure segregation of pretrial detainees from convicted detainees. Is there any legal framework protecting those held in pretrial detention? Please comment on reports of excessive use of pretrial detention for petty offences as well as on reports that courts have discretionary power over the granting of bail, individuals often being asked to pay bribes at police stations or court before bail can be granted. Please provide information on non-custodial alternative measures to pretrial detention and their application.*

22. Comments on paragraph 22 of the list of issues:

(a) Steps have been taken to address lengthy pre-trial detention by establishing new magistrates' courts in Freetown and in some parts of the provinces.

(b) In the case of the death/absence of a sitting magistrate or judge, circuit courts are put into operation to cope with the situation.

(c) To ensure general separation of inmates, the prisons service with support from donor partners, has constructed an exclusive female prison in Kenema. Female prisoners are now being housed in holding cells for indictees on the premises of the Special Court for Sierra Leone, in Freetown.

(d) The release of some prisoners has been envisaged in order to decongest the detention centres.

(e) Bail conditions are not discriminatory.

(f) The Constitution makes provision for compensation in the cases of unlawful detention.

(g) Mafanta Prisons and other correctional centres have been rehabilitated, as well as the approved schools.

(h) The construction of holding cells in some police stations has been planned.

Paragraph 23 of the list of issues: *Please report on the measures taken to address the harsh conditions of detention, including overcrowding, in prisons, jails and police holding cells, inadequate food, water and sanitation facilities, and medical care, as well as lack of adequate recreational and educational facilities. Please respond to allegations that harsh disciplinary measures are employed against prisoners. To what extent is the State party using alternative sanctions to detention in an effort to reduce prison population? Has a system been established for regular and independent monitoring of places of detention? What practical steps have been taken to guarantee the right of inmates to submit complaints and to ensure that complainants are not subject to reprisals? Does the State party plan to review its prison rules and ordinance of 1960 and 1961?*

23. Comments on paragraph 23 of the list of issues:

(a) Measures have been taken to address the issue of overcrowding in prisons in Sierra Leone, for example, by refurbishing detention centres at Mafanta and other places.

(b) The Criminal Procedure Act is an ongoing process.

(c) New prisons have been constructed in some parts of the provinces.

Paragraph 24 of the list of issues: *Please provide information on the implementation in practice of the Justice Sector Reform Strategy 2008-2010 and the results achieved. With reference to the information provided in the State party's report (CCPR/C/SLE/1, para. 83), please clarify the instances when the burden of proof is shifted from the prosecution to the accused and indicate how this is compliant with the presumption of innocence principle.*

24. Comments on paragraph 24 of the list of issues:

(a) This issue is dealt with by legislative procedure.

(b) In drug-related crimes and in cases of money laundering activities.

Paragraph 25 of the list of issues: *Please provide information on measures taken to strengthen the capacity of the judicial system, combat corruption within the judiciary, ensure access to justice for all and address the lengthy delays in the administration of justice, the lack of resources, insufficient personnel and poor staff training, as well as the increasing backlog of cases. Please provide statistics on the number of judges, magistrates, prosecuting attorneys and lawyers (including State counsels) and the number of cases pending examination in courts of different levels. Please also report on measures taken to ensure access to the formal justice system in rural areas and to ensure that local courts abide by the principles of independence and impartiality and observe due process guarantees.*

25. Comments on paragraph 25 of the list of issues:

(a) A consultant Master and Registrar have been appointed to ensure access to justice for all.

(b) To ensure access to formal justice system in the rural areas, the local court system has been co-opted into the formal justice system and is now officially part of the Judiciary, pursuant to the Local Courts Act of 2011.

(c) The National Judicial Training Institute was established in April 2010 and a lot of training has been organised in the judicial sector.

Paragraph 26 of the list of issues: *Please explain how domestic courts interpret the definition of fair hearing "within a reasonable time" and the compatibility of such interpretation with the Covenant. Please also indicate whether adequate remedies are provided in practice for delays in proceedings. Please report on concrete measures taken to ensure fair trial guarantees to all, including providing a right to appeal, access to interpreters and legal representation. Please provide information on the implementation in practice of the Legal Aid Act 2012 and the availability of legal services to vulnerable and disadvantaged persons, especially those living in the provinces and rural areas.*

26. Comments on paragraph 26 of the list of issues:

(a) The Legal Aid Act of 2012 is at a pilot stage and has been faced with funding constraints. This is however an ongoing process.

(b) The Government is yet to give the pilot legal aid project a wider scope.

(c) There are fair hearings as trials are all done in public.

(d) Counsels of choice are provided.

(e) The Criminal Procedures Act makes provision for the discharge of individuals based on lack of evidence.

(f) Preliminary investigations are taken on board within the provisions of the Criminal Procedures Act.

(g) The State is more concerned with offences that deal with higher penalty. Its scope is intended to extend nationwide.

(h) Provision for the employment of interpreters is made in the Act.

(i) The Constitution provides for fair trial and the right to appeal.

(j) This pilot national legal aid scheme, inter alia, provides legal aid to children in conflict with the law and supports lawyers in providing legal assistance to victims. Moreover Sierra Leone acknowledged the important role that paralegals can play in providing legal aid and reported that it trains paralegals to monitor police stations and advocate for the release of children, as well as to provide free legal advice and mediation at the grassroots level.

Paragraph 27 of the list of issues: *Please report on measures taken to improve the situation of juvenile offenders and to ensure that (a) only persons who are 18 years or above are treated, for the purposes of criminal law, as adults; (b) juvenile offenders are segregated from adult offenders; (c) detention is used as a last resort and only for as short a time as possible. Please elaborate on any available alternative sanctions to imprisonment of juvenile offenders and their application in practice, and also indicate whether the State*

party envisages prohibiting the imposition of life imprisonment on juveniles.

27. Comments on paragraph 27 of the list of issues:

(a) Juvenile homes / remand homes have been established in Bo and Freetown.

(b) Other homes are being planned for other parts of the country.

(c) Social workers are present in all 14 districts.

(d) Approval of the age assessment guidelines by the Chief Justice has been followed up with training programmes conducted for personnel of the Family Support Unit.

(e) There is no life imprisonment for juveniles.

Paragraph 28 of the list of issues: *Please report on measures taken to ensure the reintegration of child soldiers into society.*

28. Comments on paragraph 28 of the list of issues:

(a) NaCSA has implemented and taken all measures for the reintegration of child soldiers into normal society.

Freedom of expression (art. 19)

Paragraph 29 of the list of issues: *Please indicate whether the State party intends to repeal the seditious libel provisions contained in the 1965 Public Order Act which limit the full enjoyment of the rights of freedom of expression and information and which are widely used to intimidate journalists and human rights defenders. Please also indicate whether the Freedom of Information Act has been adopted.*

29. Comments on paragraph 29 of the list of issues:

(a) The Access to Information Act was passed in November 2013.

(b) The Constitutional Review Process will take on board the provisions relating to seditious libel.

Dissemination of information relating to the Covenant (art. 2)

Paragraph 30 of the list of issues: *Please provide information on the steps taken to disseminate information on the Covenant and its First Optional Protocol, the submission of the first periodic report of the State party, and its forthcoming examination by the Committee. Please also provide more information on the involvement of civil society, non-governmental organizations (NGOs), and the Human Rights Commission of Sierra Leone in the preparatory process of the report.*

30. Comments on paragraph 30 of the list of issues:

(a) There has been a nationwide sensitization on the report.